

S/N 10/517969

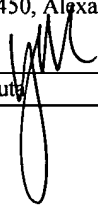
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KREUTER	Examiner:	UNKNOWN
Serial No.:	10/517969	Group Art Unit:	UNKNOWN
Filed:	December 13, 2004	Docket No.:	02968.0268USWO
Title:	PROTECTIVE COATING FOR DOCUMENTS		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: *ED 769616710 US*  
Date of Deposit: *AUGUST 10, 2005*

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: Yuhgo Maruta

PETITION UNDER 37 C.F.R. §1.47(b)**RECEIVED**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

11 JAN 2006

Legal Staff  
International Division

Dear Sir:

Applicant respectfully petitions the Commissioner under 37 CFR 1.47(b) to allow this application to proceed without the signature of the named inventor, Ruediger Kreuter.

The application papers, including a copy of the specification, claims, drawing, preliminary amendment and a Combined Declaration and Power of Attorney, were provided to Mr. Kreuter for execution in order to complete this application. These application papers were sent by Federal Express, Tracking No. 791054488091, on April 27, 2005 to Mr. Kreuter's last known address of:

08/16/2005 MKAYPAGH 00000110 10517969

02 FC:1464

130.00 OP

**BEST AVAILABLE COPY**

Heinrich-Delp-Str. 290  
64297 Darmstadt  
Germany

A copy of the letter dated April 27, 2005 that accompanied the application papers is enclosed. The letter bears Tracking No. 7910 5448 8091. The application papers were delivered to and accepted at Mr. Kreuter's last known address on May 2, 2005, as indicated on the enclosed Federal Express tracking report for Tracking No. 7910 5448 8091.

A follow-up letter was sent to Mr. Kreuter on May 23, 2005 bearing Tracking No. 7916 3245 7267. The May 23, 2005 letter was delivered to and accepted at Mr. Kreuter's last known address on May 25, 2005, as indicated on the enclosed Federal Express tracking report for Tracking No. 7916 3245 7267.

Mr. Kreuter, who is a former employee of Contec and DataCard Corporation, was under an obligation to assign all rights in the invention to the Company, defined in his employment agreement as Contec and DataCard Deutschland GmbH (hereinafter "DC Germany"), at the time of the invention. A partial, redacted, and signed copy of Mr. Kreuter's employment agreement is enclosed. DC Germany is a wholly owned subsidiary of DataCard Corporation as stated in the Voigt Declaration. As a result, DataCard Corporation has sufficient proprietary interest in the above-referenced application.

As of the date of this petition, the executed application papers have not been received from Mr. Kreuter, as indicated in the attached Voigt and Larson declarations.

Applicants respectfully submit that the period of time that has elapsed since the application papers were presented to Mr. Kreuter for execution, along with Mr. Kreuter's present law suit against DataCard as indicated in Voigt declaration, should be construed as a refusal by Mr. Kreuter to execute to the Combined Declaration and Power of Attorney.

Please find enclosed the petition fee of \$130.00. Charge any other fee that may be necessary in consideration of this petition, to Hamre, Schumann, Mueller & Larson deposit account no. 50-3478.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned at 612.455.3805.

August 10, 2005  
Date

Customer Number  
**52835**

JAL/ut

Respectfully submitted,

James A. Larson  
James A. Larson  
Reg. No. 40,443  
Hamre, Schumann, Mueller & Larson, P.C.  
225 South Sixth Street, Suite 2650  
Minneapolis, MN 55402  
612.455.3800

HAMRE, SCHUMANN,  
MUELLER & LARSON, P.C.  
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

Direct Contact

612.455.3805  
jlarson@hsml.com

April 27, 2005

Mr. Ruediger Kreuter  
Dipl. Ing.  
Heinrich-Delp-Str. 290  
64297 Darmstadt  
GERMANY

Via Federal Express  
Tracking No. 7910 5448 8091

Re: Our Ref. No. 2968.268USWO  
U.S. Patent Application Serial No. 10/517,969 for: Protective Coating For  
Documents

Dear Mr. Kreuter:

Our firm represents DataCard Corporation (DataCard) in various intellectual property matters, including the above-referenced patent application in which you are named as the sole inventor.

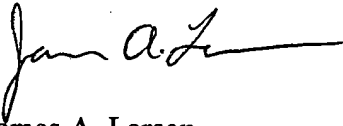
We respectfully request your signature on the enclosed application papers. Copies of the following application papers are enclosed and I have indicated which ones we request that you sign and return to us.

- 1) Copy of the application as filed, including the specification, claims and drawings;
- 2) A copy of a Combined Declaration and Power of Attorney for this application – **Please review the application and this document, sign and date this document, and return to me;**
- 3) A copy of an Assignment for this application – **Please review, sign and date this document and return to me.**

We hope that you will agree to cooperate. In this regard, we request that you return the signed documents by May 23, 2005. A prepaid envelope is enclosed for your use in returning the signed documents. After this date, we will assume that you refuse to cooperate in this matter and will proceed accordingly.

I look forward to receiving the executed documents from you shortly.

With best regards,



James A. Larson

Enclosures: as stated above

cc: Cassandra Voigt, DataCard Corporation  
Andrea Snook, DataCard Corporation  
Michael D. Schumann, HSML P.C.

Track Shipments  
Detailed Results Quick Help

Tracking number	791054488091	Reference	02968.268USWO
Signed for by	F.KREUTER	Delivery location	DARMSTADT DE
Ship date	Apr 28, 2005	Delivered to	Receptionist/Front Desk
Delivery date	May 2, 2005 11:44 AM	Service type	Priority Envelope
		Weight	1.0 lbs.

Status Delivered

Date/Time	Activity	Location	Details
May 2, 2005	11:44 AM	Delivered	DARMSTADT DE
	8:10 AM	On FedEx vehicle for delivery	RODGAU DE
	6:41 AM	At local FedEx facility	RODGAU DE
	2:24 AM	In transit	FRANKFURT DE
Apr 30, 2005	1:31 AM	Int'l shipment release	FRANKFURT DE
	1:26 AM	In transit	FRANKFURT DE
Apr 29, 2005	1:26 AM	Arrived at FedEx location	FRANKFURT DE
	9:14 PM	Departed FedEx location	ROISSY FR
	2:12 AM	Departed FedEx location	INDIANAPOLIS, IN
	12:07 AM	Arrived at FedEx location	INDIANAPOLIS, IN
Apr 28, 2005	8:06 PM	Left origin	MINNEAPOLIS, MN
	6:08 PM	Picked up	MINNEAPOLIS, MN
	8:10 AM	Package data transmitted to FedEx	

Signature proof

Track more shipments

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From

Add a message to this email.

To

Send email

HAMRE, SCHUMANN,  
MUELLER & LARSON, P.C.  
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

Direct Contact

612.455.3805  
jlarson@hsml.com

May 23, 2005

Mr. Ruediger Kreuter  
Dipl. Ing.  
Heinrich-Delp-Str. 290  
64297 Darmstadt  
GERMANY

Via Federal Express  
Tracking No. 791632457267

Re: Our Ref. No. 2968.268USWO  
U.S. Patent Application Serial No. 10/517,969 for: Protective Coating For  
Documents

Dear Mr. Kreuter:

I am following up on my letter to you dated April 27, 2005 in the above-referenced matter. I have yet to receive a reply to my letter that was delivered by Federal Express on May 2, 2005 and was signed for by F. Kreuter.

I look forward to the return of the executed documents supplied with that letter.

With best regards,



James A. Larson

Enclosures: as stated above

cc: Cassandra Voigt, DataCard Corporation  
Andrea Snook, DataCard Corporation  
Michael D. Schumann, HSML P.C.

225 SOUTH SIXTH STREET · SUITE 2650 · MINNEAPOLIS · MN 55402  
TEL 612.455.3800 · FAX 612.455.3801  
WWW.HSML.COM · MAIL@HSML.COM

Jim Larson

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From: Notifications@fedex.com  
Sent: Wednesday, May 25, 2005 5:24 AM  
To: mail@hsml.com  
Subject: FedEx Shipment 791632457267 Delivered

Our records indicate that the following shipment has been delivered:

Tracking number:	791632457267
Reference:	02968.268USWO
Ship (P/U) date:	May 23, 2005
Delivery date:	May 25, 2005 11:13 AM
Signed for by:	.KREUTER
Service type:	FedEx International Priority
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	1.0 LB

Shipper Information  
RAQUEL ZAMORANO CAREY  
HSML, P.C.  
225 SOUTH SIXTH STREET  
SUITE 2650  
MINNEAPOLIS  
MN  
US  
55402

Recipient Information  
RUEDIGER KREUTER  
DIPL. ING.  
HEINRICH-DELP-STR. 290  
DARMSTADT  
DE  
64297

Special handling/Services  
Deliver Weekday

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To track the status of this shipment online, please use the following:  
[http://www.fedex.com/Tracking?tracknumbers=791632457267  
&action=track&language=english&cntry\\_code=us&clienttype=ivpodalrt](http://www.fedex.com/Tracking?tracknumbers=791632457267&action=track&language=english&cntry_code=us&clienttype=ivpodalrt)

Thank you for your business.



This

## EMPLOYMENT CONTRACT

is entered into as of the first day of January, 2001, by and between

Contec Gesellschaft für Industrie-Elektronik, Verfahrens- und Regelungstechnik mbH,  
Darmstadt, represented by its sole shareholder DataCard Deutschland GmbH, Heerdter  
Lohweg 87, 40549 Düsseldorf, represented by its Managing Directors Mr. Gregory Thom  
and Mrs. Lou Davenport,

- in the following "Company" -

and

DataCard Corporation, Minnetonka, USA, represented by its President Mr. Jerry Johnson

- in the following "DCC" -

and

DataCard Deutschland GmbH, Heerdter Lohweg 87, 40549 Düsseldorf, represented by its  
Managing Director Mrs. Martina Krzyzostaniak,

- on the one hand -

and

Mr. Rüdiger Günter Kreuter, Heinrich-Delp-Straße 290, 8, 64297 Darmstadt.

- in the following "Mr. Kreuter" -

- on the other hand -

### § 1 DUTY AND AUTHORITY


- 1) Mr. Kreuter will be employed as Chief Executive Officer of the Company with effect  
of the 1<sup>st</sup> day of January 2001 and as Vice President, DCC Government Solutions  
Group.

- 1) Mr. Kreuter shall be obliged to inform the Company and DCC of all protectible and non-protectible including improvements of computer software inventions which he should make during the term of his employment with the Company. The Company shall compensate Mr. Kreuter for such inventions in accordance with the provisions of the German law on inventions made by employees (Gesetz über Arbeitnehmererfindungen), dated July 25, 1957, as amended (ArbNErFG), including the Guide Line dated July 20, 1959. The commissions described in Section 8 shall be deemed full and fair consideration pursuant to the preceding half sentence and the ideas of the parties; if the commissions pursuant to Section 8 are judged insufficient, they shall be subtracted from the consideration due pursuant to this Section 6. Mr. Kreuter hereby assigns all rights to these inventions to the Company, he shall inform the Company on any invention and assist the Company in obtaining industrial property rights.
- 2) The rights of the Company on these inventions according to this Contract shall not be affected by changes or the termination of this Contract.

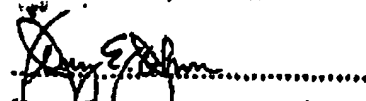
[REDACTED]

Düsseldorf, 4. December, 2000

DataCard Deutschland GmbH as sole shareholder of  
Contec Gesellschaft für Industrie-Elektronik,  
Verfahrens- und Regelungstechnik mbH,

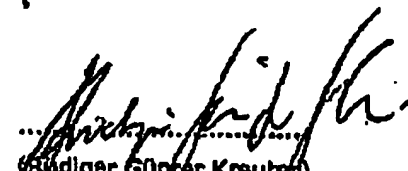
  
.....  
(Greg Thom) (Lou Davanport)

DataCard Corporation

  
.....  
(Jerry Johnson)

DataCard Deutschland GmbH

  
.....  
(Martina Krzyzostaniak)

  
.....  
(Rüdiger Günter Kreuter)

S/N 10/517969

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KREUTER	Examiner:	UNKNOWN
Serial No.:	10/517969	Group Art Unit:	UNKNOWN
Filed:	December 13, 2004	Docket No.:	02968.0268USWO
Title:	PROTECTIVE COATING FOR DOCUMENTS		

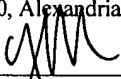
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CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: *ED 769616710 US*

Date of Deposit: *AUGUST 10, 2005*

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: Yuhgo Maruta

**DECLARATION BY JAMES LARSON IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. § 1.47(b)**

I, James A. Larson, declare as follows:

1. I am an attorney with Hamre, Schumann, Mueller, & Larson, P.C., 225 South Sixth Street, Suite 2650, Minneapolis, Minnesota 55402 (HSML).
2. HSML represents DataCard Corporation of Minnetonka, MN (DataCard) in various intellectual property matters, including the above-referenced patent application.
3. I have reviewed what I believe to be a complete employment agreement effective January 1, 2001 between DataCard, DataCard Deutschland GmbH, Contec and the named inventor, Mr. Ruediger Kreuter.
4. It is my conclusion after reviewing the entire agreement that the agreement to assign in Mr. Kreuter's employment agreement is not dependent on specified conditions being met.

**BEST AVAILABLE COPY**

5. On April 27, 2005, I sent a copy of the application papers, including the specification, drawings, and claims for the above-identified application, and a Combined Declaration and Power of Attorney to Mr. Kreuter via Federal Express (Tracking No. 791054488091), along with a request for Mr. Kreuter's signature, and a prepaid envelop to be used for return of the executed Combined Declaration and Power of Attorney. The documents were mailed to Mr. Kreuter's last known address of:

Heinrich-Delp Str. 290, 64297 Darmstadt, Germany.

6. My April 27, 2005 letter and the documents therewith were delivered to and signed for by "F. Kreuter" on May 02, 2005. A copy of a FedEx tracking report bearing tracking number 791054488091 is enclosed herewith.

7. On May 23, 2005, I sent a follow-up letter via Federal Express (Tracking No. 791632457267) to Mr. Kreuter asking for return of the executed Combined Declaration and Power of Attorney.

8. My May 23, 2005 follow-up letter was delivered to and signed for by "Kreuter" on May 25, 2005. A copy of a Federal Express tracking report bearing tracking number 791632457267 is enclosed herewith.

9. A copy of the aforementioned Combined Declaration and Power of Attorney with Mr. Kreuter's signature thereon has not been received by me as of the date of this Declaration. No other communications from Mr. Kreuter indicating that the aforementioned Combined Declaration and Power of Attorney has been or will be signed have been received by me as of the date of this Declaration.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

August 10, 2005  
Date



James A. Larson  
James A. Larson  
Reg. No. 40,443  
Hamre, Schumann, Mueller & Larson, P.C.  
225 South Sixth Street, Suite 2650  
Minneapolis, MN 55402  
612.455.3800  
JAL/ut

S/N 10/517969

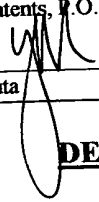
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Applicant:	KREUTER	Examiner:	UNKNOWN
Serial No.:	10/517969	Group Art Unit:	UNKNOWN
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By:   
Name: Yuhgo Maruta

DECLARATION BY HEINER BOHNSACK

I, Heiner Bohnsack, declare as follows:

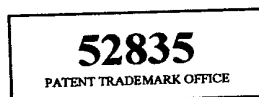
1. I am currently Managing Director of Contec GmbH, a subsidiary of DataCard Corporation (DataCard).
2. During 2001, I was employed by DataCard in Germany in DataCard's Government Solutions Group (GSG).
3. During and after 2001, I worked closely with Mr. Ruediger Kreuter and I had a close dialog with Mr. Kreuter.
4. Due to my close working relationship and dialog with Mr. Kreuter, I became familiar with his work, including the technology that is the subject of the above-referenced patent application. I have reviewed a copy of the above-referenced patent application.
5. It is my belief that Ruediger Kreuter invented the technology that is the subject of the above-referenced patent application while he was employed by Contec.

**BEST AVAILABLE COPY**

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

July 12, 2005  
Date

Heiner Bohnsack  
Heiner Bohnsack





S/N 10/517969

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KREUTER	Examiner:	UNKNOWN
Serial No.:	10/517969	Group Art Unit:	UNKNOWN
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By:

Name: Yuhgo Maruta

**DECLARATION BY CASSANDRA VOIGT IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. § 1.47(b)**

I, Cassandra Voigt, declare as follows:

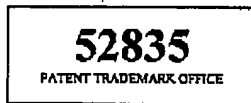
1. I am currently employed as a Corporate Attorney with DataCard Corporation, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 11111 Bren Road West, Minnetonka, Minnesota 55343,
2. Ruediger G. Kreuter is the sole named inventor in the above-referenced application. The signature of Mr. Kreuter on the Combined Declaration and Power of Attorney is required to complete the application.
3. Mr. Kreuter was employed as Chief Executive Officer of Contec Gesellschaft fur Industrie-Elektronik (hereinafter "Contec") and a Vice-President of DataCard Corporation (hereinafter "DCC") Government Solutions Group, effective January 1, 2001. Redacted copies of relevant pages of an employment contract with Mr. Kreuter are enclosed herewith.

4. As indicated on page 1 of the employment agreement, DataCard Deutschland GmbH (hereinafter "DC Germany") is the sole shareholder of Contec.
5. DC Germany is a wholly owned subsidiary of DCC.
6. As evidenced by section 6 (page 5) of the employment agreement, Mr. Kreuter was under an obligation to assign all rights to inventions to "the Company", which is defined on page 1 of the employment agreement as Contec with DC-Germany as the sole shareholder.
7. Mr. Kreuter's employment was terminated on or about April 25, 2003. As of the date of this Declaration, Mr. Kreuter has sued DCC over his termination of employment.
8. A letter was sent by Federal Express to Mr. Kreuter on April 27, 2005. The letter indicated that copies of the application papers and a Combined Declaration and Power of Attorney document accompanied the letter.
9. A copy of the aforementioned Combined Declaration and Power of Attorney with Mr. Kreuter's signature has not been received by me as of the date of this Declaration.
10. I have been advised that Mr. Kreuter has not returned the signed Combined Declaration and Power of Attorney to our outside counsel, Hamre, Schumann, Mueller & Larson, P.C. Since the signed Combined Declaration and Power of Attorney has not been returned, and in view of Mr. Kreuter's dispute with DCC, it is my conclusion that Mr. Kreuter's silence and actions constitute a refusal to sign the declaration.
11. A filing date for the above-identified patent application is necessary to preserve the rights of DCC with respect to the invention described and claimed.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

July 25, 2005  
Date

Cassandra Voigt  
Cassandra Voigt



S/N 10/517969

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KREUTER	Examiner:	UNKNOWN
Serial No.:	10/517969	Group Art Unit:	UNKNOWN
Filed:	December 13, 2004	Docket No.:	02968.0268USWO
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Date of Deposit: *AUGUST 10, 2005*

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By: 

Name: Yuhgo Maruta

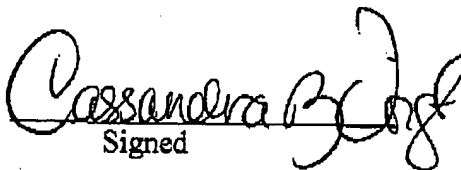
DECLARATION BY CASSANDRA VOIGT IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. § 1.47(b)

I am a Corporate Attorney for DataCard Corporation, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 11111 Bren Road West, Minnetonka, Minnesota 55343.

I hereby authorize Dennis J. Warwick to sign the declaration for the above referenced patent application on behalf of DataCard Corporation.

Cassandra Voigt

Printed Name

  
Signed

Corporate Attorney

Title

*July 25, 2005*  
Date

**52835**

Customer Number

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